

**DECLARATION OF
STEPHEN A.
BROOME IN SUPPORT
OF GOOGLE,
LLC'S OPPOSITION TO
PLAINTIFFS'
MOTION TO CERTIFY
CLASS**

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22 *Counsel for Defendant Google LLC*

23 **UNITED STATES DISTRICT COURT**

24 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

25 CHASOM BROWN, *et.al*, individually and
26 on behalf of all similarly situated,

27 Plaintiffs,

v.

28 GOOGLE LLC,
Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF STEPHEN A.
BROOME IN SUPPORT OF GOOGLE,
LLC'S OPPOSITION TO PLAINTIFFS'
MOTION TO CERTIFY CLASS.**

Judge: Hon. Yvonne Gonzalez Rogers
Date: September 20, 2022
Time: 2:00 p.m.
Location: Courtroom 1 – 4th Floor

1 I, Stephen A. Broome, declare as follows:

2 1. I am a partner with the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,
3 counsel for Defendant Google LLC in this matter. I am an attorney at law duly licensed to practice
4 before all courts of the State of California and admitted to practice in the Northern District of
5 California by this Court. I have personal knowledge of the matters set forth herein and am
6 competent to testify.

7 **Written Discovery**

8 2. Attached as **Exhibit 1** is a true and correct copy of Plaintiff Chasom Brown's
9 Amended Objection and Response to Defendant's First Set of Requests for Admission.

10 3. Attached as **Exhibit 2** is a true and correct copy of Plaintiff William Byatt's
11 Amended Objections and Response to Defendant's First Set of Requests for Admission.

12 4. Attached as **Exhibit 3** is a true and correct copy of Plaintiff Christopher Castillo's
13 Amended Objections and Response to Defendant's First Set of Requests for Admission.

14 5. Attached as **Exhibit 4** is a true and correct copy of Plaintiff Jeremy Davis'
15 Amended Objections and Response to Defendant's First Set of Requests for Admission.

16 6. Attached as **Exhibit 5** is a true and correct copy of Plaintiff Chasom Brown's
17 Amended Objections and Responses to Defendant's Second Set of Requests for Admission.

18 7. Attached as **Exhibit 6** is a true and correct copy of Plaintiff William Byatt's
19 Amended Objections and Responses to Defendant's Second Set of Requests for Admission.

20 8. Attached as **Exhibit 7** is a true and correct copy of Plaintiff Christopher Castillo's
21 Amended Objections Responses to Defendant's Second Set of Requests for Admission.

22 9. Attached as **Exhibit 8** is a true and correct copy of Plaintiff Jeremy Davis's Amended
23 Objections and Responses to Defendant's Second Set of Requests for Admission.

24 10. Attached as **Exhibit 9** is a true and correct copy of Plaintiff Monique Trujillo's
25 Objections and Responses to Defendant's First and Second Sets of Requests for Admission.

26 11. Attached as **Exhibit 10** is a true and correct copy of Plaintiff Chasom Brown's
27 Verified Amended Objections and Responses to Defendant's Interrogatories 1, 4, and 5.

1 12. Attached as **Exhibit 11** is a true and correct copy of Plaintiff William Byatt's
2 Verified Amended Objections and Responses to Defendant's Interrogatories 1, 4 and 5.

3 13. Attached as **Exhibit 12** is a true and correct copy of Plaintiff Christopher Castillo's
4 Verified Amended Objections and Responses to Defendant's Interrogatories 1, 4, and 5.

5 14. Attached as **Exhibit 13** is a true and correct copy of Plaintiff Jeremy Davis's Verified
6 Amended Objections and Responses to Defendant's Interrogatories 1, 4, and 5.

7 15. Attached as **Exhibit 14** is a true and correct copy of Plaintiff Monique Trujillo's
8 Objections and Responses to Defendant's First and Second Sets of Interrogatories.

9 16. Attached as **Exhibit 15** is a true and correct copy of Plaintiff Chasom Brown's
10 Objections and Responses to Defendant's Fourth Set of Interrogatories (Nos. 12-15).

11 17. Attached as **Exhibit 16** is a true and correct copy of Plaintiff William Byatt's
12 Objections and Responses to Defendant's Fourth Set of Interrogatories (Nos. 12-15).

13 18. Attached as **Exhibit 17** is a true and correct copy of Plaintiff Christopher Castillo's
14 Objections and Responses to Defendant's Fourth Set of Interrogatories (Nos. 12-15).

15 19. Attached as **Exhibit 18** is a true and correct copy of Plaintiff Jeremy Davis'
16 Objections and Responses to Defendant's Fourth Set of Interrogatories (Nos. 12-15).

17 20. Attached as **Exhibit 19** is a true and correct copy of Plaintiff Monique Trujillo's
18 Objections and Responses to Defendant's Fourth Set of Interrogatories (Nos. 12-15).

19 21. Attached as **Exhibit 20** is a true and correct copy of Plaintiff Chasom Brown's
20 Objections and Responses to Defendant's Third Set of Requests for Admission.

21 22. Attached as **Exhibit 21** is a true and correct copy of Plaintiff William Byatt's
22 Objections and Responses to Defendant's Third Set of Requests for Admission.

23 23. Attached as **Exhibit 22** is a true and correct copy of Plaintiff Christopher Castillo's
24 Objections and Responses to Defendant's Third Set of Requests for Admission.

25 24. Attached as **Exhibit 23** is a true and correct copy of Plaintiff Jeremy Davis'
26 Objections and Responses to Defendant's Third Set of Requests for Admission.

27 25. Attached as **Exhibit 24** is a true and correct copy of Plaintiff Monique Trujillo's
28 Objections and Responses to Defendant's Third Set of Requests for Admission.

1 **Deposition Transcripts and Exhibits**

2 26. Attached as **Exhibit 25** is a true and correct copy of excerpts from the transcript of
3 the deposition of Plaintiff William Byatt, taken on December 20, 2021.

4 27. Attached as **Exhibit 26** is a true and correct copy of excerpts from the transcript of
5 the deposition of Plaintiff Jeremy Davis, taken on January 7, 2022.

6 28. Attached as **Exhibit 27** is a true and correct copy of excerpts from the transcript of
7 the deposition of Plaintiff Chasom Brown, taken on January 13, 2022.

8 29. Attached as **Exhibit 28** is a true and correct copy of excerpts from the transcript of
9 the deposition of Plaintiff Christopher Castillo, taken on February 8, 2022.

10 30. Attached as **Exhibit 29** is a true and correct copy of excerpts from the transcript of
11 the deposition of Plaintiff Monique Trujillo, taken on February 11, 2022.

12 31. Attached as **Exhibit 30** is a true and correct copy of excerpts from the transcript of
13 the deposition of David Nelson, taken on July 6, 2022.

14 32. Attached as **Exhibit 31** is a true and correct copy of excerpts from the transcript of
15 the deposition of Mark Keegan, taken on July 15, 2022.

16 33. Attached as **Exhibit 32** is a true and correct copy of excerpts from the transcript of
17 the deposition of Bruce Schneier, taken on July 18, 2022.

18 34. Attached as **Exhibit 33** is a true and correct copy of excerpts of the document marked
19 as Exhibit 3 to the deposition of Bruce Schneier.

20 35. Attached as **Exhibit 34** is a true and correct copy of excerpts of the document marked
21 as Exhibit 5 to the deposition of Bruce Schneier.

22 36. Attached as **Exhibit 35** is a true and correct copy of the document marked as Exhibit
23 7 to the deposition of Bruce Schneier.

24 37. Attached as **Exhibit 36** is a true and correct copy of excerpts from the transcript of
25 the deposition of Jonathan Hochman, taken on July 20, 2022.

26 38. Attached as **Exhibit 37** is a true and correct copy of excerpts from the transcript of
27 the deposition of Jonathan Hochman, taken on July 21, 2022.

1 39. Attached as **Exhibit 38** is a true and correct copy of excerpts from the transcript of
2 the deposition of Michael Lasinski, taken on July 20, 2022.

3 40. Attached as **Exhibit 39** is a true and correct copy of the document marked as Exhibit
4 15 to the deposition of Michael Lasinski.

5 41. Attached as **Exhibit 40** is a true and correct copy of excerpts from the transcript of
6 the deposition of Steven Weisbrot, taken on August 2, 2022.

7 42. Attached as **Exhibit 41** is a true and correct copy of excerpts from the transcript of
8 the deposition of Gregory Fair, taken on December 14, 2021.

9 43. Attached as **Exhibit 42** is a true and correct copy of excerpts from the transcript of
10 the deposition of Rory McClelland, taken on February 18, 2022.

11 **Summary Exhibit**

12 44. Attached as **Exhibit 43** is a chart summarizing the putative class members' alleged
13 contracts with Google during the class period.

14 **Google-Produced Documents**

15 45. Attached as **Exhibit 44** is a true and correct copy of a document produced in this
16 litigation by Google bearing Bates numbers GOOG-BRWN-00028191 through GOOG-BRWN-
17 00028376.

18 46. Attached as **Exhibit 45** is a true and correct copy of a document produced in this
19 litigation by Google bearing Bates numbers GOOG-BRWN-00477546 through GOOG-BRWN-
20 00477604.

21 **Plaintiffs' Counsel and Expert Websites**

22 47. Attached as **Exhibit 46** is a true and correct copy of a document produced in this
23 litigation by Google bearing Bates number GOOG-CABR-05877547.

24 48. Attached as **Exhibit 47** is a true and correct copy of a document produced in this
25 litigation by Google bearing Bates number GOOG-CABR-05877548.

26 49. Attached as **Exhibit 48** is a true and correct copy of a document produced in this
27 litigation by Google bearing Bates number GOOG-CABR-05877549.

1 50. Attached as **Exhibit 49** is true and correct copy of a screenshot of Hochman
2 Consultants website page Hochman Consultants Privacy Policy, accessed by Google counsel on
3 July 18, 2022.

4 51. Attached as **Exhibit 50** is true and correct copy of a screenshot of Keegan and Donato
5 Consultants website home page, accessed by Google counsel on July 5, 2022.

6 **Website Privacy Policies and Other Disclosures**

7 52. Attached as **Exhibit 51** is a true and correct copy of a document produced in this
8 litigation by Google bearing Bates numbers GOOG-CABR-05876958 through GOOG-CABR-
9 05876967.

10 53. Attached as **Exhibit 52** is a true and correct copy of a document produced in this
11 litigation by Google bearing Bates numbers GOOG-CABR-05877056 through GOOG-CABR-
12 05877063.

13 54. Attached as **Exhibit 53** is a true and correct copy of a document produced in this
14 litigation by Google bearing Bates numbers GOOG-CABR-05877083 through GOOG-CABR-
15 05877114.

16 55. Attached as **Exhibit 54** is a true and correct copy of a document produced in this
17 litigation by Google bearing Bates numbers GOOG-CABR-05877154 through GOOG-CABR-
18 05877161.

19 56. Attached as **Exhibit 55** is a true and correct copy of a document produced in this
20 litigation by Google bearing Bates numbers GOOG-CABR-05877162 through GOOG-CABR-
21 05877211.

22 57. Attached as **Exhibit 56** is a true and correct copy of a document produced in this
23 litigation by Google bearing Bates numbers GOOG-CABR-05877244 through GOOG-CABR-
24 05877263.

25 58. Attached as **Exhibit 57** is a true and correct copy of a document produced in this
26 litigation by Google bearing Bates numbers GOOG-CABR-05877264 through GOOG-CABR-
27 05877274.

1 59. Attached as **Exhibit 58** is a true and correct copy of a document produced in this
2 litigation by Google bearing Bates numbers GOOG-CABR-05877300 through GOOG-CABR-
3 05877320.

4 60. Attached as **Exhibit 59** is a true and correct copy of a document produced in this
5 litigation by Google bearing Bates numbers GOOG-CABR-05877321 through GOOG-CABR-
6 05877324.

7 61. Attached as **Exhibit 60** is a true and correct copy of a document produced in this
8 litigation by Google bearing Bates numbers GOOG-CABR-05877336 through GOOG-CABR-
9 05877342.

10 62. Attached as **Exhibit 61** is a true and correct copy of a document produced in this
11 litigation by Google bearing Bates numbers GOOG-CABR-05877343 through GOOG-CABR-
12 05877344.

13 63. Attached as **Exhibit 62** is a true and correct copy of a document produced in this
14 litigation by Google bearing Bates numbers GOOG-CABR-05877345 through GOOG-CABR-
15 05877358.

16 64. Attached as **Exhibit 63** is a true and correct copy of a document produced in this
17 litigation by Google bearing Bates numbers GOOG-CABR-05877359 through GOOG-CABR-
18 05877365.

19 65. Attached as **Exhibit 64** is a true and correct copy of a document produced in this
20 litigation by Google bearing Bates numbers GOOG-CABR-05877366 through GOOG-CABR-
21 05877372.

22 66. Attached as **Exhibit 65** is a true and correct copy of a document produced in this
23 litigation by Google bearing Bates numbers GOOG-CABR-05877373 through GOOG-CABR-
24 05877402.

25 67. Attached as **Exhibit 66** is a true and correct copy of a document produced in this
26 litigation by Google bearing Bates numbers GOOG-CABR-05877407 through GOOG-CABR-
27 05877409.

28

1 68. Attached as **Exhibit 67** is a true and correct copy of a document produced in this
2 litigation by Google bearing Bates numbers GOOG-CABR-05877410 through GOOG-CABR-
3 05877411.

4 69. Attached as **Exhibit 68** is a true and correct copy of a document produced in this
5 litigation by Google bearing Bates numbers GOOG-CABR-05877412 through GOOG-CABR-
6 05877429.

7 70. Attached as **Exhibit 69** is a true and correct copy of a document produced in this
8 litigation by Google bearing Bates numbers GOOG-CABR-05877430 through GOOG-CABR-
9 05877441.

10 71. Attached as **Exhibit 70** is a true and correct copy of a document produced in this
11 litigation by Google bearing Bates numbers GOOG-CABR-05877497 through GOOG-CABR-
12 05877498.

13 72. Attached as **Exhibit 71** is a true and correct copy of a document produced in this
14 litigation by Google bearing Bates numbers GOOG-CABR-05877499 through GOOG-CABR-
15 05877508.

16 73. Attached as **Exhibit 72** is a true and correct copy of a document produced in this
17 litigation by Google bearing Bates numbers GOOG-CABR-05877509 through GOOG-CABR-
18 05877510.

19 74. Attached as **Exhibit 73** is a true and correct copy of a document produced in this
20 litigation by Google bearing Bates numbers GOOG-CABR-05877515 through GOOG-CABR-
21 05877526.

22 75. Attached as **Exhibit 74** is a true and correct copy of a document produced in this
23 litigation by Google bearing Bates numbers GOOG-CABR-05877550 through GOOG-CABR-
24 05877552.

25 76. Attached as **Exhibit 75** is a true and correct copy of a document produced in this
26 litigation by Google bearing Bates numbers GOOG-CABR-05877568 through GOOG-CABR-
27 05877572.

28

1 77. Attached as **Exhibit 76** is a true and correct copy of a document produced in this
2 litigation by Google bearing Bates numbers GOOG-CABR-05877578 through GOOG-CABR-
3 05877603.

4 78. Attached as **Exhibit 77** is a true and correct copy of a document produced in this
5 litigation by Google bearing Bates numbers GOOG-CABR-05877625 through GOOG-CABR-
6 05877631.

7 79. Attached as **Exhibit 78** is a true and correct copy of a document produced in this
8 litigation by Google bearing Bates numbers GOOG-CABR-05877633 through GOOG-CABR-
9 05877640.

10 80. Attached as **Exhibit 79** is a true and correct copy of a document produced in this
11 litigation by Google bearing Bates numbers GOOG-CABR-05877662 through GOOG-CABR-
12 05877665.

13 81. Attached as **Exhibit 80** is a true and correct copy of a document produced in this
14 litigation by Google bearing Bates numbers GOOG-CABR-05877678 through GOOG-CABR-
15 05877681.

16 82. Attached as **Exhibit 81** is a true and correct copy of a document produced in this
17 litigation by Google bearing Bates numbers GOOG-CABR-05877689 through GOOG-CABR-
18 05877699.

19 83. Attached as **Exhibit 82** is a true and correct copy of a document produced in this
20 litigation by Google bearing Bates numbers GOOG-CABR-05877700 through GOOG-CABR-
21 05877711.

22 84. Attached as **Exhibit 83** is a true and correct copy of a document produced in this
23 litigation by Google bearing Bates numbers GOOG-CABR-05877712 through GOOG-CABR-
24 05877719.

25 85. Attached as **Exhibit 84** is a true and correct copy of a document produced in this
26 litigation by Google bearing Bates numbers GOOG-CABR-05877720 through GOOG-CABR-
27 05877725.

1 86. Attached as **Exhibit 85** is a true and correct copy of a document produced in this
2 litigation by Google bearing Bates numbers GOOG-CABR-05877726 through GOOG-CABR-
3 0587775.

4 87. Attached as **Exhibit 86** is a true and correct copy of a document produced in this
5 litigation by Google bearing Bates numbers GOOG-CABR-05877776 through GOOG-CABR-
6 05877780.

7 88. Attached as **Exhibit 87** is a true and correct copy of a document produced in this
8 litigation by Google bearing Bates numbers GOOG-CABR-05877781 through GOOG-CABR-
9 05877790.

10 89. Attached as **Exhibit 88** is a true and correct copy of a document produced in this
11 litigation by Google bearing Bates numbers GOOG-CABR-05877791 through GOOG-CABR-
12 05877802.

13 90. Attached as **Exhibit 89** is a true and correct copy of a document produced in this
14 litigation by Google bearing Bates numbers GOOG-CABR-058777803 through GOOG-CABR-
15 05877812.

16 91. Attached as **Exhibit 90** is a true and correct copy of a document produced in this
17 litigation by Google bearing Bates numbers GOOG-CABR-058777825 through GOOG-CABR-
18 05877831.

19 92. Attached as **Exhibit 91** is a true and correct copy of a document produced in this
20 litigation by Google bearing Bates numbers GOOG-CABR-058777852 through GOOG-CABR-
21 05877864.

22 93. Attached as **Exhibit 92** is a true and correct copy of a document produced in this
23 litigation by Google bearing Bates numbers GOOG-CABR-058777879 through GOOG-CABR-
24 05877891.

25 94. Attached as **Exhibit 93** is a true and correct copy of a document produced in this
26 litigation by Google bearing Bates numbers GOOG-CABR-058777892 through GOOG-CABR-
27 05877894.

1 95. Attached as **Exhibit 94** is a true and correct copy of a document produced in this
2 litigation by Google bearing Bates numbers GOOG-CABR-05877899 through GOOG-CABR-
3 05877891.

4 96. Attached as **Exhibit 95** is a true and correct copy of a document produced in this
5 litigation by Google bearing Bates numbers GOOG-CABR-05877900 through GOOG-CABR-
6 05877901.

7 97. Attached as **Exhibit 96** is a true and correct copy of a document produced in this
8 litigation by Google bearing Bates numbers GOOG-CABR-05877902 through GOOG-CABR-
9 05877909.

10 98. Attached as **Exhibit 97** is a true and correct copy of a document produced in this
11 litigation by Google bearing Bates numbers GOOG-CABR-05877910 through GOOG-CABR-
12 05877936.

13 99. Attached as **Exhibit 98** is a true and correct copy of a document produced in this
14 litigation by Google bearing Bates numbers GOOG-CABR-05877064 through GOOG-CABR-
15 05877071.

16 100. Attached as **Exhibit 99** is a true and correct copy of a document produced in this
17 litigation by Google bearing Bates numbers GOOG-CABR-05877078 through GOOG-CABR-
18 05877082.

19 101. Attached as **Exhibit 100** is a true and correct copy of a document produced in this
20 litigation by Google bearing Bates numbers GOOG-CABR-05877115 through GOOG-CABR-
21 05877127.

22 102. Attached as **Exhibit 101** is a true and correct copy of a document produced in this
23 litigation by Google bearing Bates numbers GOOG-CABR-05877128 through GOOG-CABR-
24 05877132.

25 103. Attached as **Exhibit 102** is a true and correct copy of a document produced in this
26 litigation by Google bearing Bates numbers GOOG-CABR-05877215 through GOOG-CABR-
27 05877220.

1 104. Attached as **Exhibit 103** is a true and correct copy of a document produced in this
 2 litigation by Google bearing Bates number GOOG-CABR-05877469.

3 105. Attached as **Exhibit 104** is a true and correct copy of a document produced in this
 4 litigation by Google bearing Bates numbers GOOG-CABR-05877573 through GOOG-CABR-
 5 05877577.

6 **Public Articles**

7 106. Attached as **Exhibit 105** is a true and correct copy of an article available at
 8 (<https://www.consumerreports.org/privacy/what-your-web-browsers-incognito-mode-really-does-a8213975018/>) that counsel for Google accessed on August 3, 2022 and added highlighting to for
 9 the purposes of this declaration.

10 107. Attached as **Exhibit 106** is a true and correct copy of an article available at
 11 (<https://www.howtogeek.com/117776/htg-explains-how-private-browsing-works-and-why-it-doesnt-offer-complete-privacy/>) that counsel for Google accessed on October 7, 2021 and added
 12 highlighting to for the purposes of this declaration.

13 108. Attached as **Exhibit 107** is a true and correct copy of an article available at
 14 (<https://www.pcmag.com/news/private-browsing-wont-protect-you-from-everything>) that counsel
 15 for Google accessed on May 23, 2022 and added highlighting to for the purposes of this declaration.

16 109. Attached as **Exhibit 108** is a true and correct copy of an article available at
 17 (<https://www.wired.co.uk/article/google-chrome-incognito-mode-privacy>) that counsel for Google
 18 accessed on October 7, 2021 and added highlighting to for the purposes of this declaration.

19 110. Attached as **Exhibit 109** is a true and correct copy of an article available at
 20 (<http://america.aljazeera.com/articles/2014/9/24/private-browsing.html>) that counsel for Google
 21 accessed on August 3, 2022 and added highlighting to for the purposes of this declaration.

22 111. Attached as **Exhibit 110** is a true and correct copy of an article available at
 23 (<https://spreadprivacy.com/how-anonymous-is-duckduckgo/>) that counsel for Google accessed on
 24 September 15, 2021 and added highlighting to for the purposes of this declaration.

25 112. Attached as **Exhibit 111** is a true and correct copy of an article available at
 26 (<https://www.idropnews.com/news/privacy-matters-dont-let-google-chromes-incognito-mode->

1 [fool-you/106453/](#)) that counsel for Google accessed on August 4, 2022 and added highlighting to
 2 for the purposes of this declaration.

3 113. Attached as **Exhibit 112** is a true and correct copy of an article available at
 4 (<https://nypost.com/2018/08/22/googles-incognito-mode-isnt-as-private-as-you-thought/>) that
 5 counsel for Google accessed on September 15, 2021 and added highlighting to for the purposes of
 6 this declaration.

7 114. Attached as **Exhibit 113** is a true and correct copy of an article available at
 8 (<https://www.fastcompany.com/90311396/incognito-mode-wont-keep-you-private-try-browser-compartmentalization>) that counsel for Google accessed on June 7, 2022 and added highlighting to for
 10 for the purposes of this declaration.

11 115. Attached as **Exhibit 114** is a true and correct copy of an article available at
 12 (<https://medium.com/searchencrypt/chromes-incognito-mode-isn-t-private-so-what-s-the-point-89b2f0144c27>) that counsel for Google accessed on August 4, 2022 and added highlighting to for
 14 for the purposes of this declaration.

15 116. Attached as **Exhibit 115** is a true and correct copy of an article available at
 16 (https://www.huffingtonpost.co.uk/entry/weve-got-some-bad-news-turns-out-googles-incognito-mode-isnt-that-incognito_uk_5a142c99e4b0aa32975dbd46) that counsel for Google accessed on
 18 October 7, 2021 and added highlighting to for the purposes of this declaration.

19 117. Attached as **Exhibit 116** is a true and correct copy of an article available at
 20 (<https://www.wired.com/story/incognito-mode-explainer/>) that counsel for Google accessed on
 21 November 29, 2021 and added highlighting to for the purposes of this declaration.

22 118. Attached as **Exhibit 117** is a true and correct copy of an article available at
 23 (<https://www.usatoday.com/story/tech/columnist/saltzman/2018/04/23/incognito-browsing-isnt-really-private-and-4-other-privacy-myths/537695002/>) that counsel for Google accessed on August
 25 3, 2022 and added highlighting to for the purposes of this declaration.

26 119. Attached as **Exhibit 118** is a true and correct copy of an article available at
 27 (<https://www.trustedreviews.com/news/google-chrome-incognito-mode-3337991>) that counsel for
 28 Google accessed on May 24, 2022 and added highlighting to for the purposes of this declaration.

1 120. Attached as **Exhibit 119** is a true and correct copy of an article available at
 2 (<https://www.indy100.com/tech/google-chrome-incognito-mode-private-internet-security-8868576>) that counsel for Google accessed on August 4, 2022 and added highlighting to for the
 3 purposes of this declaration.

5 121. Attached as **Exhibit 120** is a true and correct copy of an article available at
 6 (<https://bdtechtalks.com/2019/11/21/google-chrome-incognito-private-browsing/>) that counsel for
 7 Google accessed on June 2, 2022 and added highlighting to for the purposes of this declaration.

8 122. Attached as **Exhibit 121** is a true and correct copy of an article available at
 9 (<https://www.metacompliance.com/blog/3-reasons-to-browse-the-internet-in-incognito-mode>) that
 10 counsel for Google accessed on May 20, 2022 and added highlighting to for the purposes of this
 11 declaration.

12 123. Attached as **Exhibit 122** is a true and correct copy of an article available at
 13 (<https://www.nytimes.com/2018/04/19/technology/personaltech/browser-privacy-mode.html>) that
 14 counsel for Google accessed on August 3, 2022 and added highlighting to for the purposes of this
 15 declaration.

16 124. Attached as **Exhibit 123** is a true and correct copy of an article available at
 17 (<https://medium.com/duckduckgo-privacy-blog/incognito-28f10bb88554>) that counsel for Google
 18 accessed on August 4, 2022 and added highlighting to for the purposes of this declaration.

19 125. Attached as **Exhibit 124** is a true and correct copy of an article available at
 20 (<https://www.forbes.com/advisor/in/software/what-is-incognito-mode/>) that counsel for Google
 21 accessed on August 4, 2022 and added highlighting to for the purposes of this declaration.

22 126. Attached as **Exhibit 125** is a true and correct copy of an article available at
 23 (<https://global.factiva.com/hp/printseviews.aspx?pp=Print&hc=Publication>) that counsel for Google
 24 accessed on July 18, 2021 and added highlighting to for the purposes of this declaration.

25 127. Attached as **Exhibit 126** is a true and correct copy of an article available at
 26 (<https://www.usatoday.com/story/tech/columnist/komando/2013/02/14/kim-komando-private-browsing-chrome-ebooks-software/1910085/>) that counsel for Google accessed on August 3, 2022
 27 and added highlighting to for the purposes of this declaration.

1 128. Attached as **Exhibit 127** is a true and correct copy of an article available at
2 (<https://www.washingtonpost.com/news/the-switch/wp/2013/09/05/weve-all-practically-given-up-on-internet-privacy-heres-how-not-to/>) that counsel for Google accessed on August 3, 2022 and
3 added highlighting to for the purposes of this declaration

5 129. Attached as **Exhibit 128** is a true and correct copy of an article available at
6 (<https://www.guidingtech.com/33828/chromes-incognito-mode-private/>) that counsel for Google
7 accessed on October 7, 2021 and added highlighting to for the purposes of this declaration.

8 130. Attached as **Exhibit 129** is a true and correct copy of an article available at
9 (<https://www.bustle.com/articles/184465-11-reasons-to-use-incognito-mode-when-browsing-the-internet-according-to-reddit>) that counsel for Google accessed on July 30, 2022 and added
10 highlighting to for the purposes of this declaration.

12 131. Attached as **Exhibit 130** is a true and correct copy of an article available at
13 (<https://www.theverge.com/2016/9/27/13076032/google-app-adds-incognito-mode-ios>) that
14 counsel for Google accessed on August 4, 2022 and added highlighting to for the purposes of this
15 declaration.

16 132. Attached as **Exhibit 131** is a true and correct copy of an article available at
17 (<https://www.computerworld.com/article/3186941/you-are-not-very-incognito-in-incognito-mode.html>) that counsel for Google accessed on August 3, 2022 and added highlighting to for the
18 purposes of this declaration.

20 133. Attached as **Exhibit 132** is a true and correct copy of an article available at
21 (<https://www.thrillist.com/entertainment/nation/what-is-incognito-mode-google-chrome>) that
22 counsel for Google accessed on May 24, 2022 and added highlighting to for the purposes of this
23 declaration.

24 134. Attached as **Exhibit 133** is a true and correct copy of an article available at
25 (<https://metro.co.uk/2017/11/20/google-says-chromes-incognito-mode-was-not-designed-to-let-people-secretly-watch-porn-7094117/>) that counsel for Google accessed on May 25, 2022 and added
26 highlighting to for the purposes of this declaration.

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1 135. Attached as **Exhibit 134** is a true and correct copy of an article available at
 2 (<https://www.thesun.co.uk/tech/4954837/google-chrome-incognito-not-private-boss-employer-school-can-see/>) that counsel for Google accessed on May 25, 2022 and added highlighting to for
 3 the purposes of this declaration.

5 136. Attached as **Exhibit 135** is a true and correct copy of an article available at
 6 (<https://www.independent.co.uk/life-style/gadgets-and-tech/news/incognito-mode-chrome-safari-firefox-meaning-privacy-nsfw-content-who-can-see-google-a8064876.html>) that counsel for
 7 Google accessed on May 2, 2021 and added highlighting to for the purposes of this declaration.

9 137. Attached as **Exhibit 136** is a true and correct copy of an article available at
 10 (<https://www.standard.co.uk/lifestyle/london-life/google-chrome-s-incognito-mode-isn-t-100-private-a3697146.html>) that counsel for Google accessed on August 5, 2022 and added highlighting
 11 to for the purposes of this declaration.

13 138. Attached as **Exhibit 137** is a true and correct copy of an article available at
 14 (<https://www.theguardian.com/commentisfree/2018/may/27/incognito-mode-what-does-it-mean-history-google-chrome-privacy-settings>) that counsel for Google accessed on August 4, 2022 and
 15 added highlighting to for the purposes of this declaration.

17 139. Attached as **Exhibit 138** is a true and correct copy of an article available at
 18 (<https://finance.yahoo.com/news/lot-misconceptions-browsing-apos-incognito-172900804.html>)
 19 that counsel for Google accessed on May 22, 2022 and added highlighting to for the purposes of
 20 this declaration.

21 140. Attached as **Exhibit 139** is a true and correct copy of an article available at
 22 (<https://www.digitalinformationworld.com/2018/07/research-busts-popular-myths-about.html>) that
 23 counsel for Google accessed on October 7, 2021 and added highlighting to for the purposes of this
 24 declaration.

25 141. Attached as **Exhibit 140** is a true and correct copy of an article available at
 26 (<https://www.thesun.co.uk/tech/7072213/google-incognito-mode-private-browsing-history/>) that
 27 counsel for Google accessed on May 25, 2022 and added highlighting to for the purposes of this
 28 declaration.

1 142. Attached as **Exhibit 141** is a true and correct copy of an article available at
 2 (<https://www.quora.com/How-anonymous-is-DuckDuckGo/answer/Gabriel-Weinberg/>) that
 3 counsel for Google accessed on June 9, 2022 and added highlighting to for the purposes of this
 4 declaration.

5 143. Attached as **Exhibit 142** is a true and correct copy of an article available at
 6 (<https://thenextweb.com/google/2018/12/05/google-reportedly-personalizes-search-results-even-when-youre-in-incognito-mode/>) that counsel for Google accessed on June 7, 2022 and added
 7 highlighting to for the purposes of this declaration.

8 144. Attached as **Exhibit 143** is a true and correct copy of an article available at
 9 (<https://www.techradar.com/vpn/does-google-chrome-have-its-own-vpn>) that counsel for Google
 10 accessed on June 7, 2022 and added highlighting to for the purposes of this declaration.

11 145. Attached as **Exhibit 144** is a true and correct copy of an article available at
 12 (<https://www.cosmopolitan.com/uk/entertainment/a27162618/is-google-incognito-private/>) that
 13 counsel for Google accessed on April 23, 2021 and added highlighting to for the purposes of this
 14 declaration.

15 146. Attached as **Exhibit 145** is a true and correct copy of an article available at
 16 (<https://www.wired.com/story/privacy-browsers-duckduckgo-ghostery-brave/>) that counsel for
 17 Google accessed on June 2, 2022 and added highlighting to for the purposes of this declaration.

18 147. Attached as **Exhibit 146** is a true and correct copy of an article available at
 19 (<https://www.washingtonpost.com/technology/2019/06/27/help-desk-how-fight-spies-your-chrome-browser/>) that counsel for Google accessed on August 3, 2022 and added highlighting to
 20 for the purposes of this declaration

21 148. Attached as **Exhibit 147** is a true and correct copy of an article available at
 22 (<https://mashable.com/article/watch-porn-anonymously-with-this-trick/>) that counsel for Google
 23 accessed on May 23, 2022 and added highlighting to for the purposes of this declaration.

24 149. Attached as **Exhibit 148** is a true and correct copy of an article available at
 25 (<https://boingboing.net/2019/12/03/what-does-incognito-mode-r.html>) that counsel for Google
 26 accessed on June 2, 2022 and added highlighting to for the purposes of this declaration.

1 150. Attached as **Exhibit 149** is a true and correct copy of an article available at
2 (<https://www.inc.com/chris-matyszczyk/google-calls-it-private-browsing-oh-no-it-isnt.html>) that
3 counsel for Google accessed on October 7, 2021 and added highlighting to for the purposes of this
4 declaration.

5 151. Attached as **Exhibit 150** is a true and correct copy of an article available at
6 (<https://home.sophos.com/en-us/security-news/2019/how-private-is-private-browsing>) that counsel
7 for Google accessed on August 3, 2022 and added highlighting to for the purposes of this
8 declaration.

9 152. Attached as **Exhibit 151** is a true and correct copy of an article available at
10 (<https://www.pandasecurity.com/en/mediacenter/security/incognito-mode-not-as-secure/>) that
11 counsel for Google accessed on August 4, 2022 and added highlighting to for the purposes of this
12 declaration.

13 153. Attached as **Exhibit 152** is a true and correct copy of an article available at
14 (<https://cybernews.com/privacy/google-chrome-incognito-mode/>) that counsel for Google accessed
15 on August 5, 2022 and added highlighting to for the purposes of this declaration.

16 154. Attached as **Exhibit 153** is a true and correct copy of an article available at
17 (<https://www.fastcompany.com/90534809/what-private-browsing-does-and-doesnt-to-shield-you-from-prying-eyes-online>) that counsel for Google accessed on May 27, 2022 and added highlighting
18 to for the purposes of this declaration.

20 155. Attached as **Exhibit 154** is a true and correct copy of an article available at
21 (<https://www.keepersecurity.com/blog/2020/12/14/incognito-mode-is-it-safe-keeper-security/>) that
22 counsel for Google accessed on August 4, 2022 and added highlighting to for the purposes of this
23 declaration.

24 156. Attached as **Exhibit 155** is a true and correct copy of an article available at
25 (<https://www.analyticsinsight.net/dont-trust-the-incognito-mode-for-online-privacy-do-this-instead/>) that counsel for Google accessed on November 29, 2021 and added highlighting to for the
26 purposes of this declaration.
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1 157. Attached as **Exhibit 156** is a true and correct copy of an article available at
2 ([https://www.cnn.com/2022/07/23/tech/private-browser-
3 security/index.html?utm_source=facebook&utm_medium=news_tab](https://www.cnn.com/2022/07/23/tech/private-browser-security/index.html?utm_source=facebook&utm_medium=news_tab)) that counsel for Google
4 accessed on August 1, 2022 and added highlighting to for the purposes of this declaration.

5
6 I declare under penalty of perjury of the laws of the United States that the foregoing is true
7 and correct. Executed in Los Angeles, California on August 5, 2022.

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9
10 By */s/ Stephen A. Broome*
11 Stephen A. Broome

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